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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re the Application of:

Mikiya SUZUKI et al.

Application No.: 09/825,061

Filed: April 4, 2001

Attorney Dkt. No.: 32011-171032

For: WAVELENGTH DIVISION MULTIPLEX TRANSMISSION SYSTEM AND COMMUNICATION DEVICES

SUBMISSION OF SUBSTITUTE DECLARATION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Submitted herewith is a Substitute Declaration for the above-identified application. The Substitute Declaration corrects deficiencies that may be present in the originally filed Declaration.

The undersigned hereby respectfully request a new Official Filing Receipt to reflect the information on the Substitute Declaration.

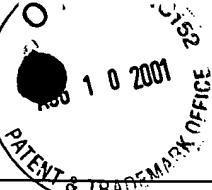
Respectfully submitted,

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Date: August 10, 2001

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SUBSTITUTE DECLARATION AND POWER OF ATTORNEY

As a below named inventor, We declare that: **Mikiya SUZUKI and Katsuhiro ISHIMURA**

Our residence, post office address, and citizenship are as stated below next to my name. We believe that we are the original, first and joint inventors of the subject matter that is claimed and for which a patent is sought on the invention entitled:

WAVELENGTH DIVISION MULTIPLEX TRANSMISSION SYSTEM AND COMMUNICATION DEVICES

the inventor's declaration for said application being executed concurrently with the execution of this instrument; said application to be filed in the U.S. Patent and Trademark Office;

said application no. 09/825,061 having been filed in the U.S. Patent and Trademark Office on April 4, 2001;

said application having been filed under the Patent Cooperation Treaty on _____ and given Application No. _____, the United States of America having been designated.

WE hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

WE acknowledge that duty to disclose information of which we are aware and which is material to the examination of the patent application in accordance with 37 CFR §1.56.

WE hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the space, any foreign application for patent or inventor's certificate, or of any PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Number	Country	Day/Month/Year Filed	Priority Claimed (Yes or No)
<u>211428/2000</u>	<u>Japan</u>	<u>12 July 2000</u>	<u>Yes</u>

WE hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

Application Serial Number	Filing Date
_____	_____

WE hereby claim the benefit under 35 U.S.C. §120 of any United States application(s), or §365(c) of any PCT International application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. §112, we acknowledge the duty to disclose information known to me which is material to the patentability as defined in 37 CFR §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application Serial Number	Filing Date	Status (patented, pending, abandoned)
_____	_____	_____

Each undersigned applicant hereby appoints the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: **George H. Spencer** (Registration No. 18,038), **Robert J. Frank** (Registration No. 19,112), **Norman N. Kunitz** (Registration No. 20,586), **Gabor J. Kelemen** (Registration No. 21,016), **Marina V. Schneller** (Registration No. 26,032), **Robert Kinberg** (Registration No. 26,924), **L. Allen Wood, Jr.** (Registration No. 28,134), **Ashley J. Wells** (Registration No. 29,847), **James R. Burdett** (Registration No. 31,594), **Michael A. Gollin** (Registration No. 31,957), **Catherine M. Voorhees** (Registration No. 33,074), **Gary L. Shaffer** (Registration No. 34,502), **Chellis Erika Neal** (Registration No. 36,877), **Patricia R. Brown** (Registration No. 39,012), **Julie A. Petruzzelli** (Registration No. 40,769), **Michael P. Leary** (Registration No. 41,144), **Michael A. Sartori** (Registration No. 41,289), **Zayd Alathari** (Registration No. 42,256), **Jeffri A. Kaminski** (Registration No. 42,709), **Fei-Fei Chao** (Registration No. 43,538), and **Ralph P. Albrecht** (Registration No. 43,466).

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The undersigned hereby authorizes the U.S. attorneys named herein to accept and follow instructions from the undersigned's assignee, if any, and/or, if the undersigned is not a resident of the United States, the undersigned's domestic attorney, patent attorney or patent agent, as to any action to be taken in the Patent and Trademark Office regarding this application without direct communication between the U.S. attorneys and the undersigned. In the event of a change in the persons(s) from whom instructions may be taken, the U.S. attorneys named herein will be so notified by the undersigned.

We declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

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Inventor's signature Mikiya Suzuki Date July 20, 2001
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Inventor's signature Katsuhiro Ishimura Date July 24, 2001
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